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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,416

Applicant(s)

ENGBERG, STEPHAN J.

Examiner

CANH LE

Art Unit

2439

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/15/2009 has been entered.

This Office Action is in response to the communication filed on 04/15/2009.

Claims 1-19 have been cancelled.

Claims 20-21, 24-31, and 33-37 have been amended.

Claims 20-39 have been examined and are pending.

Response to Arguments

Applicant's arguments, see pages 9-10, filed 04/15/2009, with respect to the objection of the specification have been fully considered but they are not persuasive. The objection of the specification is maintained. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. There is no antecedent basis for “*a first identity device*”, “*a second identity device*”, and “*a third identity device*”, and “*a further identity device*” for claims 20, 33, 32, and 27.

Applicant's arguments, see pages 11-12, filed 04/15/2009, with respect to the 35 U.S.C. 112, 1st rejection of claims 33-39 have been fully considered. The 35 U.S.C. 112, 1st rejection of claims 33-39 has been withdrawn.

Applicant's arguments, see pages 12-13, filed 04/15/2009, with respect to the 35 U.S.C. 112, 2nd rejection of claims 20-21, 24-25, 28-29, 33, 35, and 37 have been fully considered. The 35 U.S.C. 112, 2nd rejection of claims 20-21, 24-25, 28-29, 33, 35, and 37 has been withdrawn due to amendment.

The Applicant argues the following:

(a) Herz does not disclose one-time-only privacy reference point, and communication to the network is established from the holder of the first identity device;

(b) Herz teaches away from the use of one-time-only transaction pseudonym, as disclosed by Pitzmann;

The Examiner respectfully disagrees with the Applicant as the following reasons:

Per (a):

Hertz discloses a privacy reference point and communication to the network is established from the holder of the first identity device [*Herz: Col. 32, lines 3-65; "our method solves the above problems by combining the pseudonym granting and credential transfer methods taught by D. Chaum and J. H. Evertse, in the paper titled "A secure and privacy-protecting protocol for transmitting personal information between organizations," with the implementation of a set of one or more proxy servers distributed throughout the network N.*

Proxy servers may be the same or different”; a proxy server is equivalent to private reference point; Col. 31, lines 48-55, “A pseudonym is an artifact that allows a service provider to communicate with users and build and accumulate records of their preferences over time, while at the same time remaining ignorant of the users’ true identities, so that users can keep their purchases or preferences private”; a user’s true identity is equivalent to a first identity entity].

Herz is silent about one-time-use pseudonym (i.e. one-time-use reference (“privacy reference point”).

However, Pfitzmann teaches one-time-use pseudonym [*Pfitzmann: pg. 6-7; Different pseudonym is used for each transaction, there is no possibility to link different transactions by equality of the pseudonyms*].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz by including the teaching of Pfitzmann because it would provide a different transaction pseudonym is used, e.g. randomly generated transaction numbers for online-banking. Thus, there is at least no possibility to link different transactions by equality of pseudonyms. Therefore, transaction pseudonyms can be used to realize as strong anonymity as possible [*Pfitzmann, pg. 6, transaction pseudonym section*].

Therefore, the combination of Herz and Pfitzmann teaches the aforementioned limitation.

Per (b):

It would be improper to conclude that “Herz teaches away from the use of one-time-only transaction pseudonym, as disclosed by Pfitzmann,” since nowhere does Herz criticize, discredit, or otherwise discourage the combination wherein one-time-use pseudonym, as claimed by the

Applicant. *“The prior art’s mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or other discourage the solution claimed....”* In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). See also MPEP §2123.

It's clear that Herz does not criticize the combination of Pfitzmann, and vice versa. Therefore the combination of Herz and Pfitzmann is proper.

Claim Objections

Claim 32 is objected to because of the following informalities:

(Claim 32, line 13): “payment accept” should be replaced by “the payment acceptance” to avoid potentially antecedent basis.

(Claim 32, line 14): “payment accept” should be replaced by “the payment acceptance” to avoid potentially antecedent basis. Appropriate correction is required.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no antecedent basis for *“a first identity device”*, *“a second identity device”*, and *“a third identity device”*, and *“a further identity device”* for claims 20, 33, 32, and 27.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20-32 and 33-39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 20 and 33 recite the limitation “one-time-only privacy reference point”. It is unclear the meaning of “one-time-only privacy reference point”. It is not evident from the description of the specification which features are essential to the definition of the “one-time-only privacy reference point” and which ones refers to particular embodiments. For the purpose of applying art, the Examiner refers “one-time-only privacy reference point” as *“one-time pseudonym address”*.

Claims 33, have been in valid as indefinite because the claims recite *“means for”* languages (*“means for providing authentication”, “means for establishing a second communication path”*) and there is no structure disclosed in the specification. *“If there is no structure in the specification corresponding to the means-plus-function limitation in the claims, the claims will be found invalid as indefinite.” Biomedino, LLC vs. Waters Technology Corp., 490 F.3d 946, 950 (Fed. Cir. 2007).*

(Note: Although the Applicant pointed out paragraphs [0085-0086] of the published application and figures 10 and 14 which support the specific structure for “means for establishing a second path of communication path” from the remarks/arguments filed 04/15/2009. The Examiner

reviews the paragraphs and figures above but there is insufficient evidence to support the structure for "means for establishing a second path of communication path from the one-time-only privacy reference point" (Emphasis added).)

Claims 37, have been in valid as indefinite because the claims recite "*means for*" languages ("*means for verifying employs data selected from a group of*") and there is no structure disclosed in the specification. "*If there is no structure in the specification corresponding to the means-plus-function limitation in the claims, the claims will be found invalid as indefinite.*" *Biomedino, LLC vs. Waters Technology Corp.*, 490 F.3d 946, 950 (Fed. Cir. 2007).

(Note: Although the Applicant pointed out paragraphs [0288-0289] & [521] of the published application which support the specific structure for "*means for verifying employs data selected from a group of*" from the remarks/arguments filed 04/15/2009. The Examiner reviews the paragraphs but there is insufficient evidence to support the structure for "*means for verifying employs data.*" (Emphasis added).)

Claim 20 recites the limitation "establishing communication" on line 12. It is unclear that the "communication" refers to "a communication path" in line 6 of claim 20 or "another communication path".

Claim 20 recites the limitation "establishing communication" on lines 15-16. It is unclear that the "communication" refers to "communication" in line 12 (or in line 6 of claim 20 or "another communication path".

Claims 21-32 are dependent on claim 20, and therefore inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

Claim 33 recites the limitation “establishing communication” on line 15. It is unclear that the “communication” refers to “a *first communication path*” in line 5 or “a *second path of communication*” in line 11 of claim 20 or “*another communication path*”.

Claims 34-39 are dependent on claim 33, and therefore inherit the 35 U.S.C 112, second paragraph issues of the independent claim.

The Examiner kindly requests the Applicant to point out with specificity (i.e. column and line) in the specification where it describes/supports the aforementioned limitation (Emphasis added).

Two ground of rejections are given below. The first ground rejection has been given previously. The second ground of rejection teaches the claims using a more specific interpretation and is given to further prosecution.

(A) First ground rejection:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23, 26, 33-34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over by **Herz et al.** (5,754,938) in view of **Andreas Pfitzmann et al**, Anonymity, *Unobservability, and Pseudonymity - A Proposal for Terminology*, LNCs 2009, pages 1-9, 2001.

As per claim 20:

Herz teaches a method of establishing a communication path from a first identity device having an identity representing a first legal entity in a data communication network, comprising the steps of:

(a) providing a [[one-time-only]] privacy reference point in said data communication network [Herz: Col. 32, lines 3-65; “our method solves the above problems by combining the pseudonym granting and credential transfer methods taught by D. Chaum and J. H. Evertse, in the paper titled "A secure and privacy-protecting protocol for transmitting personal information between organizations," with the implementation of a set of one or more proxy servers distributed throughout the network N. Proxy servers may be the same or different”; a proxy server is equivalent to private reference point];

(b) establishing a communication path from the first identity device to said one-time-only reference point [Col. 31, lines 48-55, “A pseudonym is an artifact that allows a service provider to communicate with users and build and accumulate records of their preferences over time, while at the same time remaining ignorant of the users' true identities, so that users can keep their purchases or preferences private”; *a user's true identity is equivalent to a first identity entity*];

(c) providing an authentication of the first identity device relative to said [[one-time-only]] privacy reference point [Herz: Col. 30, line 39-43; Col. 37, lines 48-53; “The proxy server may verify those credentials and make appropriate modifications to the user's profile as required by these credentials such as recording the user's new demographic status as an adult. It may also store those credentials, so that it can present them to service providers on the user's behalf”];

(d) verifying the authentication of the first identity device relative to said [[one-time-only]] privacy reference point from said first identity device [Herz: Col. 30, line 39-43; Col. 37, lines 48-53; “The proxy server may verify those credentials and make appropriate modifications to the user's profile as required by these credentials such as recording the user's new demographic status as an adult. It may also store those credentials, so that it can present them to service providers on the user's behalf”]; and

(e) establishing communication from said [[one-time-only]] privacy reference point to a second identity device representing a second legal entity through said data communication network [Herz: Col. 31, line 57 to Col. 32, line 2; “service provider may require proof that the purchaser has sufficient funds on deposit at his/her bank, which might possibly not be

on a network, before agreeing to transact business with that user. The user, therefore, must provide the service provider with proof of funds (a credential) from the bank, while still not disclosing the user's true identity to the service provider"; a second identity device is equivalent to a service provider];

(f) wherein at least one of the steps of verifying the authentication and establishing communication is performed [**Herz: Col. 30, line 39-43; Col. 37, lines 48-53; "The proxy server may verify those credentials and make appropriate modifications to the user's profile as required by these credentials such as recording the user's new demographic status as an adult. It may also store those credentials, so that it can present them to service providers on the user's behalf"**] [[without disclosing the identity of said first identity device]].

Herz is silent about one-time-use pseudonym (i.e. one-time-use reference ("privacy reference point").

However, Pfitzmann teaches Anonymity, Unobservability, and Pseudonymity wherein one-time-use pseudonym is used in transaction pseudonym without disclosing the identity of said first identity device [**Pfitzmann: pg. 6-7; Different pseudonym is used for each transaction, there is no possibility to link different transactions by equality of the pseudonyms**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz by including the teaching of Pfitzmann because it would provide a different transaction pseudonym is used, e.g. randomly generated transaction numbers for online-banking. Thus, there is at least no possibility to link different transactions by equality of pseudonyms. Therefore, transaction pseudonyms can be used to realize as strong anonymity as possible [**Pfitzmann, pg. 6, transaction pseudonym section**].

As per claim 21:

Herz further teaches the method according to claim 20, wherein the step of providing an authentication comprises the steps of:

authenticating said first identity device by registering data selected from the group consisting of biometrics, a signature, a code and any combinations thereof and comparing the registered data with correspondingly stored data [Herz: Col. 31, lines 53-63; “A second and equally important requirement of a pseudonym system is that it provide for digital credentials, which are used to guarantee that the user represented by a particular pseudonym has certain properties. These credentials may be granted on the basis of result of activities and transactions conducted by means of the system for customized electronic identification of desirable objects, or on the basis of other activities and transactions conducted on the network N of the present system, on the basis of users' activities outside of network N”].

As per claim 22:

Herz further teaches the method of claim 20, wherein the step of verifying is performed without disclosing the identity of the first identity device [Herz: Col. 31, line 57 to Col. 32, line 2; “service provider may require proof that the purchaser has sufficient funds on deposit at his/her bank, which might possibly not be on a network, before agreeing to transact business with that user. The user, therefore, must provide the service provider with proof

of funds (a credential) from the bank, while still not disclosing the user's true identity to the service provider"; a second identity device is equivalent to a service provider].

As per claim 23:

Herz further teaches the method of claim 20, wherein the step of establishing communication is performed without disclosing the identity of the first identity device [**Herz: Col. 31, line 57 to Col. 32, line 2; "service provider may require proof that the purchaser has sufficient funds on deposit at his/her bank, which might possibly not be on a network, before agreeing to transact business with that user. The user, therefore, must provide the service provider with proof of funds (a credential) from the bank, while still not disclosing the user's true identity to the service provider"; a second identity device is equivalent to a service provider].**

As per claim 26:

The combination of Herz and Pfitzmann further teach the method according to claim 20, said first identity device having an authenticated holder, and said one-time-only privacy reference point being addressable by the authenticated holder from a computer communicating with the data communication network [**Herz: fig. 2; Col. 30, lines 39-47; a smart cards (i.e. authenticated holder); Col. 32, lines 3-65; "our method solves the above problems by combining the pseudonym granting and credential transfer methods taught by D. Chaum and J. H. Evertse, in the paper titled "A secure and privacy-protecting protocol for transmitting personal information between organizations," with the implementation of a**

set of one or more proxy servers distributed throughout the network N. Proxy servers may be the same or different"; Pfitzmann: pg. 6-7; Different pseudonym is used for each transaction, there is no possibility to link different transactions by equality of the pseudonyms].

As per claim 33:

Claim 33 is essentially the same as claim 20 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 34:

Claim 34 is essentially the same as claim 21 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 38:

Claim 38 is essentially the same as claim 22 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 39:

Claim 39 is essentially the same as claim 23 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

Claims 24-25, 27-31, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Herz et al. (5,754,938)** in view of **Andreas Pfitzmann et al.**, “Anonymity, Unobservability, and Pseudonymity - A Proposal for Terminology”, LNCS 2009, pages 1-9, 2001 and further in view of **Engberg et al.** (“Privacy Authentication – persistent non-identification in Ubiquitous environments”, August 18, 2002, pages 1-6).

As per claim 24:

Herz and Pfitzmann teach the subject matter.

Herz and Pfitzmann are silent about first identity device comprises a card including encrypted data,

(a) said method further comprising: said first identity device receiving an encrypted key from said one-time-only privacy reference point;

(b) decrypting said encrypted key using a second stored key to create a decryption version of the encrypted key; and

(c) decrypting said encrypted data using the decrypted version of said encrypted key.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein first identity device comprises a card including encrypted data [Engberg: pg. 1 ; abstract, user identifiers; pg. 1; “Using mix nets or trace-eliminating solution, devices could in theory communicate anonymously or pseudonymous provided

they have the necessary computation, secure key-storage and power to do the necessary encryption etc”].

(a) said method further comprising: said first identity device receiving an encrypted key [[from said one-time-only privacy reference point]] **[Engberg: pg. 1; “Using mix nets or trace-eliminating solution, devices could in theory communicate anonymously or pseudonymous provided they have the necessary computation, secure key-storage and power to do the necessary encryption etc”];**

(b) decrypting said encrypted key using a second stored key to create a decryption version of the encrypted key **[Engberg: pg. 1; “Using mix nets or trace-eliminating solution, devices could in theory communicate anonymously or pseudonymous provided they have the necessary computation, secure key-storage and power to do the necessary encryption etc”].**

(c) decrypting said encrypted data using the decrypted version of said encrypted key **[Engberg: pg. 1; “Using mix nets or trace-eliminating solution, devices could in theory communicate anonymously or pseudonymous provided they have the necessary computation, secure key-storage and power to do the necessary encryption etc”].**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz and Pfitzmann by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure **[pg. 2, 5th paragraph; Engberg].**

As per claim 25:

Herz and Pfitzmann teach the subject matter.

Herz and Pfitzmann are silent about communication network being selected from a group consisting of a personal area network, local area network, a wide area network, a global area network, the Internet, a radio network, a public switched telephone network (PSTN), a global system for mobile communications (GSM) network, a code division multiplex access (CDMA) network, a universal mobile telecommunication system (UMTS) network, and any combination thereof.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein a communication network being selected from a group consisting of a personal area network, local area network, a wide area network, a global area network, the Internet, a radio network, a public switched telephone network (PSTN), a global system for mobile communications (GSM) network, a code division multiplex access (CDMA) network, a universal mobile telecommunication system (UMTS) network, and any combination thereof [Engberg: pg. 1; **“In ubiquitous computing macro (long-distance GSM, UMTS etc.) wireless communication is integrating with micro (local Bluetooth, infrared etc.) wireless communication as part of users general identity and environment management”**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz and Pfitzmann by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [pg. 2, 5th paragraph; Engberg].

As per claim 27:

Herz and Pfitzmann teach the subject matter.

Herz and Pfitzmann are silent about first identity device allowing or blocking access to said one-time-only private reference point by a third identity device.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein said first identity device allowing or blocking access [[to said one-time-only privacy reference point]] by a third identity device [**Engberg: pg. 2, “The outcome is a setup in which a PAD device can establish an authenticated wireless IP-session with the normal subscription telecom provider (STP) without the STP having any persistent device or user identifier to link one session with a PAD-device to the next and still have traceability in case the PAD-device user is involved in any criminal activity”**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz and Pfitzmann by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [**pg. 2, 5th paragraph; Engberg**].

As per claim 28:

Herz and Pfitzmann teach the subject matter.

Herz and Pfitzmann are silent about third identity device is a party selected from a group consisting of a third party and said first identity device.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein a third identity device is a party selected from a group consisting of a third party and said first identity device [Engberg: pg. 2, “**The outcome is a setup in which a PAD device can establish an authenticated wireless IP-session with the normal subscription telecom provider (STP) without the STP having any persistent device or user identifier to link one session with a PAD-device to the next and still have traceability in case the PAD-device user is involved in any criminal activity**”].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz and Pfitzmann by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [pg. 2, 5th paragraph; Engberg].

As per claim 29:

Herz and Pfitzmann teach the subject matter.

Herz and Pfitzmann are silent about a step of establishing communication involves creating and negotiating accountability path adapted to a context risk profile.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein a step of establishing communication involves creating and negotiating accountability path adapted to a context risk profile [Engberg: pg. 3, “**Key to Privacy Authentication is the existence of Privacy Accountability. The various properties of Privacy Accountability including how it could be established are not discussed in this paper**”].

even though it is highly relevant. We assume the existence of a data component incorporating either identifying (a signature, a verified biometrics) or otherwise linking information together with a verified link to the public key of pseudonym. The data component is encrypted using multiple layers in such a way that it is not providing linkability by its existence and only through a series of steps including multiple trusted parts lead to disclosure of identity or other linking information ... Relevant for this paper is the consideration that possession of a data component providing such properties is not in itself identifying as identity is not readily accessible nor is it clearly anonymous as linkability exists. Privacy Accountability is structurally different from an Identity Escrow setup as in a PKI Certificate Authority as the unit in possession of the data component are only trusted to keep the data component in hiding until the disclosure process - for any reason – is required to initiate”].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz and Pfitzmann by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [pg. 2, 5th paragraph; Engberg].

As per claim 30:

Engberg further teaches the method according to claim 29, wherein said first identity device has an authenticated holder, and said second identity device establishes a procedure to identify a pasty selected from a group consisting of said first identity device and the

authenticated holder of said first identity device [Engberg: pg. 3-4; “Key to Privacy Authentication is the existence of Privacy Accountability. The various properties of Privacy Accountability including how it could be...These operations should be controlled in a tamper-resistant environment such as a smart-card (i.e. authenticated holder) together with additional protection]

As per claim 31:

Engberg further teaches the method according to claim 30, wherein said procedure to identify a party employs identification information selected from a group consisting of at least one of biometrics, name, digital signature, and a code [Engberg: pg. 3, “We assume the existence of a data component incorporating either identifying (a signature, a verified biometrics) or otherwise linking information together with a verified link to the public key of pseudonym”].

As per claim 35:

Claim 35 is essentially the same as claim 25 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 36:

Claim 36 is essentially the same as claim 24 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 37:

Claim 37 is essentially the same as claim 31 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Herz et al.** (5,754,938) in view of Andreas **Pfitzmann** et al, “*Anonymity, Unobservability, and Pseudonymity - A Proposal for Terminology*”, LNCS 2009, pages 1-9, 2001, further in view of in view of **Bushoon** (US 2006/0155993 A1), and further in view of **Engberg** et al. , (“*Privacy Authentication – persistent non-identification in Ubiquitous environments*”, August 18, 2002, pages 1-6).

As per claim 32:

Herz and Pfitzmann teach the subject matter as described above.

Herz and Pfitzmann do not explicitly disclose in details:

- (a) providing an identity provider and a service provider;
- (b) establishing communication from said second identity device to said service provider
- (c) establishing communication from said service provider to said identity provider;
- (d) providing a further identity device corresponding to a financial institution;
- (e) establishing communication from said service provider to said further identity device;
- (f) transmitting information from said second identity device to said service provider;
- (g) transmitting said information from said service provider to said identity provider;

(h) transmitting said information from said identity provider to said further identity device;

(l) said further identity device responding to said information by transmitting a payment acceptance to said identity provider;

(m) said identity provider transmitting payment accept to said service provider; and

(n) said service provider transmitting payment accept to said second identity device.

However, Busboon teaches service provider anonymous in a single sign-on system wherein

(a) providing an identity provider and a service provider **[Busboon: par. [0024]; a communication between service provider and identity provide];**

(b) establishing communication from said second identity device to said service provider **[Busboon: fig. 1; par. [0024]; a communication between service provider and identity provide];**

(c) establishing communication from said service provider to said identity provider **[Busboon: fig. 1; par. [0024]; a communication between service provider and identity provide];**

(d) providing a further identity device corresponding to a financial institution **[Busboon: par. [0094]; service provider can further retrieve specific profile information for the client currently requesting a service, for example, a customized portal, access to bank account and the like];**

(e) establishing communication from said service provider to said further identity device **[Busboon: par. [0094]; service provider can further retrieve specific profile information for**

the client currently requesting a service, for example, a customized portal, access to bank account and the like];

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Engberg and Pfitzmann by including the teaching of Busboon because it would provide solutions for privacy and data protection problems [par. [0023], Busboon].

Herz, Pfitzmann, and Busboon do not explicitly disclose in details:

- (f) transmitting information from said second identity device to said service provider;
- (g) transmitting said information from said service provider to said identity provider;
- (h) transmitting said information from said identity provider to said further identity device;
- (l) said further identity device responding to said information by transmitting a payment acceptance to said identity provider;
- (m) said identity provider transmitting payment accept to said service provider; and
- (n) said service provider transmitting payment accept to said second identity device.

However, Engberg teaches Privacy Authentication – persistent non-identification in Ubiquitous environments wherein,

(f) transmitting information from said second identity device to said service provider [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”];

(g) transmitting said information from said service provider to said identity provider [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”];

(h) transmitting said information from said identity provider to said further identity device [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”];

(i) said further identity device responding to said information by transmitting a payment acceptance to said identity provider [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”];

(m) said identity provider transmitting payment accept to said service provider [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”];

(n) said service provider transmitting payment accept to said second identity device [Engberg: pg. 5; “The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Herz, Pfitzmann, and Busboon by including the teaching of Engberg because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [pg. 2, 5th paragraph; Engberg].

(B) Second ground rejection:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-31 and 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan J. Engberg (WO 01/90968 A1, November 2001), hereinafter as **Engberg-1** in view of Andreas **Pfitzmann** et al, Anonymity, *Unobservability, and Pseudonymity - A Proposal for Terminology*, LNCS 2009, pages 1-9, 2001.

As per claim 20:

Engberg-1 teaches a method of establishing a communication path from a first identity device having an identity representing a first legal entity in a data communication network, comprising the steps of:

(a) providing a one-time-only privacy reference point in said data communication network [Engberg-1: abstract: Privacy is established using a principle of multiple *non-linkable pseudonyms or Virtual Identities (VID)*; See also pg. 35, lines 10-23; Virtual Identity; pg. 33, Zero-knowledge generation of *on-time-only keys*; See also pg. 106, lines 25 to pg. 107, lines 32; *one-time-only VID*; pg. 131, lines 15-20];

(b) establishing a communication path from the first identity device to said one-time-only reference point [Engberg-1: abstract: pg. 6, lines 3-12; providing a first virtual identifier of *the first legal entity to the second legal entity, and establishing a communication path in according with a set of communication Rules specified by the first legal entity*];

(c) providing an authentication of the first identity device relative to said one-time-only privacy reference point [Engberg-1: abstract; pg. 6 line 21 to pg. 7, line 11; providing second legal entity with *authentication or profile information* related to said communication path and/or first legal entity; A preferred embodiment involves providing a Virtual Identifier equaling *establishing an authenticated yet anonymous session in any kind of communication path*; See also pg. 16, line 5 to pg. 17, line 8; *authentication unit* enabling the first client establishing a *first virtual identity* having a first virtual communication channel and establishing a rule based communication routing scheme for the privacy communication channel];

(d) verifying the authentication of the first identity device relative to said one-time-only privacy reference point from said first identity device [Engberg-1: abstract; pg. 6 line 21 to pg. 7, line 11; providing second legal entity with *authentication or profile information related to said communication path and/or first legal entity*; A preferred embodiment involves providing a Virtual Identifier equaling *establishing an authenticated yet anonymous session in any kind of communication path*; See also pg. 16, line 5 to pg. 17, line 8; *authentication unit* enabling the first client establishing a *first virtual identity* having a first virtual communication channel and establishing a rule based communication routing scheme for the privacy communication channel]; and

(e) establishing communication from said one-time-only privacy reference point to a second identity device representing a second legal entity through said data communication network [Engberg-1: abstract; pg. 6, lines 3-12; providing a first virtual identifier of the *first legal entity* to the second legal entity, and establishing a *communication path* in according with a set of communication Rules specified by the *first legal entity* between the *first and the second legal entity*];

(f) wherein at least one of the steps of verifying the authentication and establishing communication is performed without disclosing the identity of said first identity device [Engberg-1: abstract; pg. 6, lines 3-12; the first legal entity is *remaining anonymous* (i.e. without disclosing the identity) to the second entity; See also pg. 7, lines 18-21].

Engberg-1 discloses a privacy which is established using a principle of multiple non-linkable pseudonym or Virtual Identifies (VID) [Engberg-1; pg. 5, lines 5-13] but not in details one-time-use pseudonym (i.e. one-time-use reference (“privacy reference point”).

However, Pfitzmann teaches Anonymity, Unobservability, and Pseudonymity wherein one-time-use pseudonym is used in transaction pseudonym without disclosing the identity of said first identity device [Pfitzmann: pg. 6-7; **Different pseudonym is used for each transaction, there is no possibility to link different transactions by equality of the pseudonyms**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Engberg-1 by including the teaching of Pfitzmann because it would provide a different transaction pseudonym is used, e.g. randomly generated transaction numbers for online-banking. Thus, there is at least no possibility to link different transactions by equality of pseudonyms. Therefore, transaction pseudonyms can be used to realize as strong anonymity as possible [Pfitzmann, pg. 6, **transaction pseudonym section**].

As per claim 21:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above. Engberg-1 further teaches the method according to claim 20, wherein the step of providing an authentication comprises the steps of:

(a) authenticating said first identity device by registering data selected from the group consisting of biometrics, a signature, a code and any combinations thereof [Engberg-1: pg. 43, lines 7-23; *Biometrics*; pg. 31, line 15 to pg. 32 line 16; *verifying a signature made by the private key without knowing the private key*; pg. 57, lines 112; *Biometrics like a fingerprint reader*; See also, g. 127, lines 26-30]; and

(b) comparing the registered data with correspondingly stored data [Engberg-1: pg. 31, line 15 to pg. 32 line 16; *verifying a signature made by the private key without knowing the private key*].

As per claim 22:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above. Engberg-1 further teaches the method of claim 20, wherein the step of verifying is performed without disclosing the identity of the first identity device [Engberg-1: abstract: pg. 6, lines 3-12; *the first legal entity is remaining anonymous* (i.e. without disclosing the identity) to the second entity; See also pg. 7, lines 18-21; pg. 6 line 21 to pg. 7, line 11; providing second legal entity with *authentication or profile information* related to said communication path and/or first legal entity; A preferred embodiment involves providing a Virtual Identifier equaling *establishing an authenticated yet anonymous session in any kind of communication path*];

As per claim 23:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above. Engberg-1 further teaches the method of claim 20, wherein the step of establishing communication is performed without disclosing the identity of the first identity device [Engberg-1: abstract: pg. 6, lines 3-12; *the first legal entity is remaining anonymous* (i.e. without disclosing the identity) to the second entity; See also pg. 7, lines 18-21; pg. 6 line 21 to pg. 7, line 11; providing second legal entity with *authentication or profile information*

related to said communication path and/or first legal entity; A preferred embodiment involves providing a Virtual Identifier equaling *establishing an authenticated yet anonymous session in any kind of communication path*.

As per claim 24:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above. Engberg-1 further teaches the method according to claim 20, wherein said first identity device comprises a card including encrypted data said method further comprising:

(a) said first identity device receiving an encrypted key from said one-time-only privacy reference point [Engberg-1: pg. 39, line 15-21; **CLIENT can attach multiple symmetric encryption keys to a RELATION for communication encryption. *Keys are encrypted using encryption keys not known by TP***];

(b) decrypting said encrypted key using a second stored key to create a decryption version of the encrypted key [Engberg-1: pg. 53; liens 20-26; **Decryption keys are stored either CLIENT side or together with the data in encrypted form using the Public part of the CLIENT Digital Signature**]; and

(c) decrypting said encrypted data using the decrypted version of said encrypted key [Engberg-1: pg. 136; lines 3-31; **CLIENT can verify that Credentials is anonymous and correct by decrypting the Credential using the public key of third-party**].

As per claim 25:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above.

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Engberg-1 further teaches the method according to claim 20, said communication network being selected from a group consisting of a personal area network, local area network, a wide area network, a global area network, the Internet, a radio network, a public switched telephone network (PSTN), a global system for mobile communications (GSM) network [Engberg-1: pg. 126, lines 14-17; "The communication oath can be based on a large variety of network protocols such as *wireless* in the form of Bluetooth, Infrared, GSM, WAP, GPRS, Wireless IP], a code division multiplex access (CDMA) network, a universal mobile telecommunications system (UMTS) network, and any combinations thereof:

As per claim 26:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above.

Engberg-1 further teaches the method according to either of claim 20, said first identity device having an authenticated holder, and said one-time-only privacy reference point being addressable by the authenticated holder from a computer communicating with said data communication network [Engberg-1: pg. 34, lines 15-18; Attribute Certificate are a special type of anonymous certificates where *the holder* is able to demonstrate to *third-party* with zero-knowledge communication that he hold or does not hold a certain credential].

As per claim 27:

The combination of Engberg-1 and Pfitzmann teach the subject matter as described above.

Engberg-1 further teaches the method according to claim 20 further comprising said first identity device allowing or blocking access to said one-time-only privacy reference point by a third

identity device [Engberg-1: pg. 34, lines 15-18; Attribute Certificate are a special type of anonymous certificates where *the holder* is able to demonstrate to *third-party* with zero-knowledge communication that he hold or does not hold a certain credential]..

As per claim 28:

Engberg-1 further teaches the method according to claim 27, wherein said third identity device is a party selected from a group consisting of a third party and said first identity device [Engberg-1: pg. 18, lines 4-8; The authentication unit to the fourth aspect of the present invention may enable *the first client* signing an agreement and authentication toward *a third-party*].

As per claim 29:

Engberg-1 further the method according to either of claim 20 , wherein said step of establishing communication involves creating and negotiating an accountability path adapted to a context risk profile [Engberg-1: pg. 4, lines 18-21; accountability in case of fraud as defined by law; pg. 17, line 7 to pg. 18, line 2; The system may provide the client with full privacy control of the first client identity and information related to the first client, however, the information is subject to *basic accountability principles*; See also pg. 19, lines 27-31; pg. 122, line 24 to pg. 123, line 20];

As per claim 30:

Engberg-1 further teaches the method according to claim 29, wherein said first identity device has an authenticated holder, and said second identity device establishes a procedure to identify a

party selected from a group consisting of said first identity device and the authenticated holder of said first identity device [Engberg-1: pg. 17, line 10-12; Smartcard (i.e. authentication holder) enabling Zero-knowledge authentication; pg. 123, line 31 to pg. 124, line 2].

As per claim 31:

Engberg-1 further teaches the method according to claim 30, wherein said procedure to identify a party employs identification information selected from a group consisting of at least one of biometrics, name, digital signature, and a code [Engberg-1: pg. 43, lines 7-23; *Biometrics*; pg. 31, line 15 to pg. 32 line 16; *verifying a signature made by the private key without knowing the private key*; pg. 57, lines 112; *Biometrics like a fingerprint reader*; See also, g. 127, lines 26-30].

As per claim 33:

Claim 33 is essentially the same as claim 20 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 34:

Claim 34 is essentially the same as claim 21 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 38:

Claim 38 is essentially the same as claim 22 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 39:

Claim 39 is essentially the same as claim 23 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 35:

Claim 35 is essentially the same as claim 25 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 36:

Claim 36 is essentially the same as claim 24 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

As per claim 37:

Claim 37 is essentially the same as claim 31 except that they set forth the claimed invention as a system rather than a method and rejected under the same reasons as applied above.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stephan J. Engberg (WO 01/90968 A1, November 2001), hereinafter as **Engberg-1** in view of Andreas **Pfitzmann**

et al, *"Anonymity, Unobservability, and Pseudonymity - A Proposal for Terminology"*, LNCS 2009, pages 1-9, 2001, further in view of **Busboon** (US 2006/0155993 A1), and further in view of Engberg et al. (*"Privacy Authentication – persistent non-identification in Ubiquitous environments"*, August 18, 2002, pages 1-6) hereinafter as **Engberg-2**,

As per claim 32:

Engberg-1 teaches the subject matter as described above. Engberg-1 further discloses transferring a financial instrument to the second legal entity, requesting confirmation of payment from the third legal entity [**Engberg-1: fig. 32; pg. 12, lines 1-13**].

Engberg-1 does not explicitly disclose in details,

- (a) providing an identity provider and a service provider;
- (b) establishing communication from said second identity device to said service provider;
- (c) establishing communication from said service provider to said identity provider;
- (d) providing a further identity device corresponding to a financial institution;
- (e) establishing communication from said service provider to said further identity device;
- (f) transmitting information from said second identity device to said service provider;
- (g) transmitting said information from said service provider to said identity provider;
- (h) transmitting said information from said identity provider to said further identity device;
- (i) said further identity device responding to said information by transmitting a payment acceptance to said identity provider;
- (m) said identity provider transmitting payment accept to said service provider; and

(n) said service provider transmitting payment accept to said second identity device.

However, Busboon teaches service provider anonymous in a single sign-on system wherein

(a) providing an identity provider and a service provider **[Busboon: par. [0024]; a communication between service provider and identity provide];**

(b) establishing communication from said second identity device to said service provider **[Busboon: fig. 1; par. [0024]; a communication between service provider and identity provide];**

(c) establishing communication from said service provider to said identity provider **[Busboon: fig. 1; par. [0024]; a communication between service provider and identity provide];**

(d) providing a further identity device corresponding to a financial institution **[Busboon: par. [0094]; service provider can further retrieve specific profile information for the client currently requesting a service, for example, a customized portal, access to bank account and the like];**

(e) establishing communication from said service provider to said further identity device **[Busboon: par. [0094]; service provider can further retrieve specific profile information for the client currently requesting a service, for example, a customized portal, access to bank account and the like];**

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Engberg-2 by including the teaching of Busboon because it would provide solutions for privacy and data protection problems **[par. [0023], Busboon].**

Engberg-1 and Busboon do not explicitly disclose in details,

(f) transmitting information from said second identity device to said service provider;

(g) transmitting said information from said service provider to said identity provider;

(h) transmitting said information from said identity provider to said further identity device;

(l) said further identity device responding to said information by transmitting a payment acceptance to said identity provider;

(m) said identity provider transmitting payment accept to said service provider; and

(n) said service provider transmitting payment accept to said second identity device.

However, Engberg-2 teaches Privacy authentication – persistent non-identification in Ubiquitous environments, wherein

(f) transmitting information from said second identity device to said service provider

[Engberg-2: pg. 5; “The Subscription Telecom receive a request for establishing a session together with a reference to the Privacy Authenticating Unit (PAU) able to authenticate the user. The Subscription Telecom establish an IP-session through the Subscription Telecom to the Privacy Authentication Unit limited to the authentication process only”];

(g) transmitting said information from said service provider to said identity provider

[Engberg-2: pg. 5; “The Subscription Telecom receive a request for establishing a session together with a reference to the Privacy Authenticating Unit (PAU) able to authenticate the user. The Subscription Telecom establish an IP-session through the Subscription Telecom to the Privacy Authentication Unit limited to the authentication process only”];

(h) transmitting said information from said identity provider to said further identity device [Engberg-2: pg. 5; **“The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”**];

(l) said further identity device responding to said information by transmitting a payment acceptance to said identity provider [Engberg-2: pg. 5; **“The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”**];

(m) said identity provider transmitting payment accept to said service provider [Engberg-2: pg. 5; **“The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”**]; and

(n) said service provider transmitting payment accept to said second identity device [Engberg-2: pg. 5; **“The Subscribing Telecom now know the PAU-unit has authenticated the Subscriber and can open the IP-sessions for general use. Payment can be either direct using digital cash, through a pre-paid, digital cash or post-paid solution with the PAU-unit”**].

Therefore, it would have been obvious to the person of ordinary skill in the art at the time the invention was made to combine the method of Engberg-1 and Busboon by including the

teaching of Engberg-2 because it would provide pervasive privacy as part of large holistic privacy framework aiming to remove the need for identification or device identifiers in wireless infrastructure [pg. 2, 5th paragraph; Engberg-2].

Conclusion

The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application. Failure to show support can result in a non-compliant response.

When responding to this office action, Applicant is advised that if Applicant traverses an obviousness rejection under 35 U.S.C. 103, a reasoned statement must be included explaining why the Applicant believes the Office has erred substantively as to the factual findings or the conclusion of obviousness See 37 CFR 1.111(b).

Additionally Applicant is further advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

US 20030172090 A1 to Asunmaa, Petri et al.;

US 20040210770 A1 to Sanin, Aleksey et al.;

US 20060069749 A1 to Herz; Frederick et al.;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Canh Le whose telephone number is 571-270-1380. The examiner can normally be reached on Monday to Friday 7:30AM to 5:00PM other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Orgad Edan can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Canh Le/

Examiner, Art Unit 2439

June 12, 2009

/Michael J Simitoski/
Primary Examiner, Art Unit 2439